

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

I. The variable control system of an inertial energy storage

- a. Species I is identified in Figures 2a-2b.
- b. Species II is identified in Figures 2c-2d.
- c. Species III is identified in Figures 3a-3b.
- d. Species IV is identified in Figures 4a-4b.
- e. Species V is identified in Figures 5a-5b.
- f. Species VI is identified in Figures 6a-6b.

II. Different assembly structures of the middle axle chainwheel

- a. Species I is identified in Figures 2a-2b.
- b. Species II is identified in Figures 7a-7c.

III. A pedaling shifting structure

- a. Species I is identified in Figures 8a-8h.
- b. Species II is identified in Figures 9a-9d.

IV. Pedal of the multi-functional

- a. Species I is identified in Figures 10a-10g.
- b. Species II is identified in Figures 11a-1c.

Art Unit: 3611

V. Shoe adapted to the pedal

- a. Species I is identified in Figures 12a-12b.
- b. Species II is identified in Figures 13a-13b.
- c. Species III is identified in Figures 13c-13d.
- d. Species IV is identified in Figures 13e-1f.

VI. Damper system and front hand drive

- a. Species I is identified in Figure 14a.
- b. Species II is identified in Figure 14b.

VII. Adjusting the front height of the foot drive middle axle

- a. Species I is identified in Figures 15a-15b.
- b. Species II is identified in Figures 15c.
- c. Species III is identified in Figures 15d.

VIII. Different front drive system and suspension

- a. Species I is identified in Figures 2a-2b.
- b. Species II is identified in Figure 17a.
- c. Species III is identified in Figure 17b.
- d. Species IV is identified in Figure 17c.

IX. Bicycle in combination with various fixing modes

Art Unit: 3611

- a. Species I is identified in Figure 21a.
- b. Species II is identified in Figure 21b.
- c. Species III is identified in Figure 21c.

X. A small flywheel on front axle

- a. Species I is identified in Figure 22a.
- b. Species II is identified in Figure 22b.

XI. Saddle

- a. Species I is identified in Figures 23a-23b.
- b. Species II is identified in Figures 23c-23d.
- c. Species III is identified in Figures 23e-23f.
- d. Species IV is identified in Figures 23g-23h.

2. The species are independent or distinct because claims to the different species recite the mutually exclusive characteristics of such species. In addition, these species are not obvious variants of each other based on the current record.

a. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species of the variable control system of an inertial energy storage, different assembly structures of the middle axle chainwheel, a pedaling shifting structure, pedal of the multi-functional, shoe adapted to the pedal, damper system and front hand drive, adjusting the front height of the foot drive middle axle, different front drive system and

Art Unit: 3611

suspension, bicycle in combination with various fixing modes, small flywheel on front axle, or saddle for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claim 1 is generic.

b. There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

c. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) **and (ii) identification of the claims encompassing the elected species**, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

d. The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR

Art Unit: 3611

1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

e. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

f. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

g. A telephone call is normally made prior to sending-out a written election requirement. However, per Section 812.01 of the MPEP, a telephone call is not required if the species election is considered complex, as is the case for this Instant Application.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony H. Winner whose telephone number is (571) 272-6654. The examiner can normally be reached on M-F (9:30 - 6:30). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3611

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tony H. Winner/
Primary Examiner of Art Unit 3611
November 3, 2009